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Paul A. Lemole N.Y. Bar 1964  
 & Federal Bar

April 7, 2008

Hon. Robert P. Patterson  
 United States District Judge  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl St., Room 2550  
 New York, NY 10007

USDC SDNY  
 DOCUMENT  
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U.S. Department of Justice  
 United States Attorney  
 Southern District of New York  
 AUSA David Benton Massey  
 The Silvio J. Mollo Building  
 One Saint Andrews Plaza  
 New York, N.Y. 10007

**MEMO ENDORSED**

Re: U.S.A. v. John LaForte  
 07-CR-889 (RPP)

Honorable and Dear Sir:

I represent the defendant John LaForte. I enclose a courtesy copy of a plea agreement which has been executed by the defendant John LaForte, myself and the government.

The purpose of this letter is to give the Court advance notice of the applications I will be making before your honor on April 9, 2008, which is the next scheduled date for

this defendant to be before you.

I will be applying for an adjournment of the proposed plea of guilt by John LaForte for the following reasons.

On December 21, 2007 the defendant John LaForte was arrested by the F.B.I. based upon Eastern District Indictment # 06-CR-839-07. The Indictment alleged that John LaForte was a member of an enterprise known as "La Cosa Nostra" and committed crimes with members of a crew known as the "Lucchese's".

On May 21, 2007, the defendant John LaForte pleaded guilty to an 18U.S.C. 1962(D) and 1963 and to three racketeering acts as follows: conspiracy to make extortionate loans; conspiracy to collect extortionate loans; and collecting one extortionate loan. The defendant's guideline range as a category 1 offender is between 30 and 37 months imprisonment. The defendant was scheduled to be sentenced by Judge Trager and on the eve of that sentencing, the defendant John LaForte was arrested for the instant "bookmaking" charge pending before your honor. The Indictment before your honor accuses the defendant of conspiring, with a "Lucchese" group, ( the same group as charged in the Eastern District but with different individuals of that group ) by giving a person in that group a "customer" for a discreet period of time in April of 2006.

The U.S. Attorney would not consent to transfer this case to the Eastern District, where if joined with that pending case, would have resulted in the same guideline, 30-37 month, sentence before Judge Trager.

We are awaiting sentence before Judge Trager. I will not go into the basic unfairness of the method of this prosecution at this time, as I will be asking your honor at the appropriate time for a "concurrent" sentence.

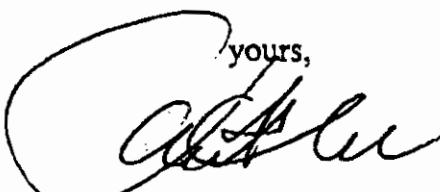
If the defendant John Laforte pleads guilty as per the enclosed plea agreement before his sentence in front of Judge Trager, his guidelines become elevated by 1 point, and 3 months will be added to the 30 month guideline; his sentence will also elevate his criminal history in the instant case.

I am asking that your honor adjourn the plea of John LaForte until after his sentence before Judge Trager at which time my client would then plead guilty to the second count of the subject Indictment, that is, bookmaking in April of 2006 and later be sentenced by this Court. I will be then asking the Court for a sentence consistent with a fair consideration of the facts contained herein.

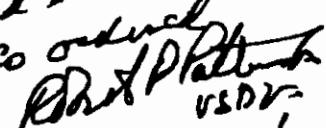
The defendant is waiving his speedy trial rights and consents to the exclusion of any time up and through and beyond the present trial schedule of April 28, 2008

A.U.S.A Massey has consented to the requests for the adjournment requested herein.

yours,

  
Paul A. Lemole

Counsel should be  
 prepared to cite authority  
 for the guideline calculations  
 referenced in this letter.

so ordered  
  
Robert P. McPherson  
vsdr

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